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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,485	11/01/2001	Yahya Idrissi	RR2377 (22171.298)	9755

27683 7590 05/06/2003
HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS, TX 75202

EXAMINER

TRINH, SONNY

ART UNIT	PAPER NUMBER
2685	

DATE MAILED: 05/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/003,485	IDRISSI, YAHYA
	Examiner Sonny TRINH	Art Unit 2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 November 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 14-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 November 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____ .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 14-26 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independents claims 14, 18, 22 specify that the call is to be automatically re-established by the RF communications network and regardless of a reason for the call being dropped was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Examiner believes that the automatic call reestablishment is only proper after the call has been dropped due to one reason or another. This is also in agreement with the specification starting on page 4 line 3. The following rejection is based on the assumption that call reestablishment is done after the call has been dropped for any reason(s).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 14-15, 18-19, 22-23, 26** are rejected under 35 U.S.C. 102(e) as being anticipated by Amin et al. (Amin; U.S. Patent number 5,995,830).

Regarding **claims 14 and 22**, Amin discloses a method and system for automatically reestablishing a call placed by a mobile unit operating within a radio frequency ("RF") (figure 1, abstract) communications network to a called party after said call has been dropped (abstract, column 2), the method comprising:

detecting that said call has been dropped (figure 2, column 4, lines 17-67);

upon detecting such a call drop, determining whether said call is to be automatically reestablished by said RF communications network (Table 2, column 5); and

responsive to a determination that said call is to be automatically reestablished by said RF communications network, a mobile switching center ("MSC") of said RF communications network reestablishing said call between said mobile unit and said called party (columns 5-6).

As to **claims 15 and 23**, Amin further discloses that the reestablishing comprises the MSC dialing back said mobile unit (figures 1-2, column 5, specifically lines 60 plus).

Regarding **claim 26**, Amin further teaches that called party is connected to said RF communications network via a public switched telephone network (fig. 1, "PSTN" 120).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 16-17, 20-21, 24-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al. (Amin; U.S. Patent number 5,995,830) in view of Maupin et al. (Maupin; U.S. Patent number 5,689,548).

Regarding **claims 16 and 24**, Amin discloses the invention except for the determination comprises determining whether said call was placed to an emergency number nor to an emergency operator. In an analogous art, Maupin discloses an emergency call back using MSC numbers for emergency call-back of mobile subscriber from public safety answering point in response to disconnection of initial emergency connection that existed between mobile subscriber and PSAP terminal (emergency operator) (columns 2-6). Therefore, it would have been obvious to one of ordinary skill

in the art, at the time the invention was made to include, within the Amin's system, the emergency call back, as taught by Maupin, in order to respond to an emergency situation and to possibly save life.

Regarding **claims 17 and 25**, Maupin further teaches that said reestablishing comprises said MSC dialing back said mobile unit (columns 2-6, specifically lines 38-53 of column 2).

Regarding **claims 18-21**, these claims are identical to claims 14-17 with the exception of the software instructions executable by the MSC to perform the call re-establishment. However, in order to perform a complicated task such as the call reestablishing after it was determined that the call was placed into a PSAP as disclosed by Maupin, software programs / instructions must be inherently including in Amin's system or in Maupin's system in order to perform those tasks, therefore claims 18-21 are rejected for the same reasons as given in the rejections of claims 14-17.

Citation of Pertinent Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Inventor	Publication	Number	Disclosure
Bugnon et al.	US Patent	6,240,284	System and method for handling emergency calls from roaming mobile stations in a radio telecommunications network.
Bugnon et al.	US Patent	6,148,190	System and method of handling emergency calls in a radio telecommunications network in the presence of cloned mobile stations.
Smith et al.	EP Application	EP 1 124 395 A1	Method and apparatus for automatically re-establishing a call in a communication system.

Jonsson et al.	US Patent	5,544,224	Reestablishment of a call after it has been disconnected
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Conclusion

Any response to this action should be mailed to:

*Commissioner of Patents and Trademarks
Washington, D.C. 20231*

or faxed to:

(703) 872-9314, (for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, 6th Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny Trinh whose telephone number is (703) 305-1961. The examiner can normally be reached Monday through Thursdays from 7:00 am to 4:00 p.m., and on alternate Fridays.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Sonny Trinh

Patent Examiner

4/21/03

*S. T.
SONNY TRINH
PATENT EXAMINER*